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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,889	02/22/2002	John S. Csapo	SAMS01-00177	9391

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10/04/2005

Docket Clerk
P.O. Box 800889
Dallas, TX 75380

EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,889

Applicant(s)

CSAPO ET AL.

Examiner

James D. Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Response to Arguments

1. Applicant's arguments have been fully considered, but are not persuasive.
2. Regarding Applicant's argument that Duran teaches two separate communication systems, Examiner agrees. However a single system is not a limitation of the claims. The argument that Applicant makes that IS-661 and PCS 1900 are signal formats, Examiner agrees. However, IS-661 and PCS 1900 are also standards see Column 1, Lines 49-50
3. Regarding Applicant's argument that the combination of Duran et al and Kotzin do not equal Applicant's invention, Examiner disagrees. Examiner is only showing the teaching that one system can have omni antennas and another system have directional antennas. The use of omni antennas and directional antennas are well known in the art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3,6,8,16,18,21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Duran et al. (U.S. Patent No. 6,115,608) in view of Kotzin (U.S. Patent No. 5,627,830).

Referring to claims 1, and 16, Duran et al. teaches for use in a wireless communications system, an apparatus for supporting dual standards comprising: utilizing a first standard (Column 6, Lines 41–43) within a coverage area (Figure 1, 38) and using a second standard (Column 6, Lines 41–43) within the coverage area (Figure 1, 74 and Column 6, Lines 32-36), but does not teach using a sectored antenna system for wireless communications and an omni antenna system for wireless communications. Kotzin teaches using a sectored antenna system for wireless communications and an omni antenna system for wireless communications (Column 3, Lines 5-9 and Lines 23-25). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Duran et al with the teaching of Kotzin of using a sectored antenna system for wireless communications and an omni antenna system for wireless communications to provide a more effective rapid handoff (Column 3, Lines 24-25).

Referring to claim 6 and 21, Duran et al teaches for use in a wireless communications system, an apparatus for supporting dual standards comprising: utilizing a first standard (Column 6, Lines 41–43) within a first coverage area (Figure 1; 70) and utilizing a second standard (Column 6, Lines 41–43) within the first coverage area (Figure 1; 38); and utilizing the first standard (Column 6, Lines 41–43) within a second coverage area (Figure 1; 66) and utilizing the second standard (Column 6, Lines 41–43) within the second coverage area (Figure 1; 38), but does not teach employing a sectored antenna system for wireless communications and an omni antenna system for wireless communications. Kotzin teaches employing a sectored antenna system for wireless communications and an omni antenna system for wireless communications (Column 3, Lines 5-9 and Lines 23-25). Therefore at the time the invention was made, it would

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have been obvious to a person of ordinary skill in the art to combine the art of Duran et al with the teaching of Kotzin employing a sectored antenna system for wireless communications and an omni antenna system for wireless communications to provide a more effective rapid handoff (Column 3, Lines 24-25).

Referring to claims 3, 8, 18 and 23, Duran et al, further teaches wherein, upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed for the compatible one of the first and second standards (Column 6, Lines 7-20). Examiner notes that the claim does not indicate antenna or device failure, the claim only indicates communication failure and Examiner equates the MS moving into the dead spot as communication failure.

5. Claims 2,7, 17 and 22 are rejected under 35 USC 103(a) as being unpatentable over Duran et al. and Kotzin and further in view of Haartsen (U.S. Patent No. 6,112,088).

Referring to claims 2, 7, 17 and 22, Duran et al. and Kotzin teaches the limitations of claims 2,7,17 and 22 but do not teach wherein one of the first and second standards is compatible with the other of the first and second standards. Haartsen teaches wherein one of the first and second standards is compatible with the other of the first and second standards (Column 4, Lines 19-26). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Duran et al and Kotzin with the teaching of Haartsen wherein one of the first and second standards is compatible with the other of the first

and second standards to eliminate the need for additional transmit and receive circuitry within the mobile terminal (Column 4, Lines 26-28).

6. Claims 4, 5, 9, 10, 19, 20, 24 and 25 are rejected under 35 USC 103(a) as being unpatentable over Duran et al. and Kotzin and further in view of Lee et al. (U.S. Patent Publication No. 2003/0123479).

Referring to claims 4, 9, 19 and 24, Duran et al and Kotzin teach the limitations of claims 4,9,19 and 24, but do not teach wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV. Lee et al teaches wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Duran et al and Kotzin with the teaching of Lee et al wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV to provide a mobile subscriber with a packet service as well as a voice service (0024).

Referring to claims 5, 10, 20 and 25, Duran et al and Kotzin teach the limitations of claims 5, 10,20 and 25, but do not teach wherein the first standard is one of IxEV-DO and IxBV -DV and the second standard is IS-2000. Lee et al teaches wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 (0024). Therefore, at the time the invehtion was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Duran et al and Kotzin with the teaching of Lee et al wherein the first

standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 to provide a mobile Subscriber with a packet service as well as a voice service (0024).

7. Claims 11,12,13,26,27 and 28 are rejected under 35 USC 103(a) as being unpatentable over Duran et al. in view of Kotzin and further in view of Haartsen.

Referring to claims 11 and 26. Duran et al teaches for use in a wireless communications system, an apparatus for supporting dual standards comprising: utilizing a first standard (Column 6, Lines 41-43) within a coverage area (Figure 1, 38); and utilizing a second standard (Column 6, Lines 41-43) within the coverage area (Figure 1, 74 and Column 6, Lines 32-36) and, upon failure of wireless communications utilizing the other of the first and second standards within the coverage area (Column 6, Lines 7-20), wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed (Column 6, Lines 7-20), but does not teach using a sectored antenna system for wireless communications and using an omni antenna system for wireless communications. Kotzin teaches using a sectored antenna system for wireless communications and using an omni antenna system for wireless communications (Column 3, Lines 5-9 and Lines 23-25). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Duran et al with the teaching of Kotzin of using a sectored antenna system for wireless communications and using an omni antenna system for wireless communications to provide a more effective rapid handoff (Column 3, Lines 24-25). Duran et al and Kotzin teach the limitations of claims 11 and 26, but do not teach wherein one of the first and second standards is compatible with the other of the first and second standards. Haartsen teaches

wherein one of the first and second standards is compatible with the other of the first and second standards (Column 4, Lines 19-26). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Duran et al and Kotzin with the teaching of Haartsen wherein one of the first and second standards is compatible with the other of the first and second standards to eliminate the need for additional transmit and receive circuitry within the mobile terminal (Column 4, Lines 26-28). Examiner notes that the claim does not indicate antenna or device failure, the claim only indicates communication failure and Examiner equates the MS moving into the dead spot as communication failure.

Referring to claims 12 and 27, Kotzin teaches wherein the first antenna system is a sectored system and the second antenna system is an Omni system.

Referring to claims 13 and 28, Kotzin teaches wherein the first antenna system is an omni system and the second antenna system is a sectored system.

8. Claims 14, 15, 29 and 30 are rejected under 35 USC 103(a) as being unpatentable over Raffel et al., Kotzin and Haartsen in view of Lee et al. (U.S. Patent Publication No. 2003/0123479).

Referring to claims 14 and 29, Raffel et al, Kotzin and Haartsen teach the limitations of claims 14 and 29, but do not teach wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV. Lee et al teaches wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV (0024). Therefore, at the time the invention

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was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al, Kotzin and Haartsen with the teaching of Lee et al wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV to provide a mobile subscriber with a packet service as well as a voice service (0024).

Referring to claims 15 and 30, Raffel et al, Kotzin and Haartsen teach the limitations of claims 15 and 30, but do not teach wherein the first standard is one of IxEV-DO and IxBV -DV and the second standard is IS-2000. Lee et al teaches wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al, Kotzin and Haartsen with the teaching of Lee et al wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 to provide a mobile Subscriber with a packet service as well as a voice service (0024).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.



Ewart
September 29, 2005



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600